

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS
=====X
RUFUS GIBBONS

Plaintiff(s),

-against-

CUENCA CORONEL TRUCKING INC., and "JOHN DOE,"
name fictitious, intended being that of operator,

Defendant(s).

=====X
To the above named defendant(s):

Index No.:
Date of Purchase:
SUMMONS
Plaintiff designates
KINGS
County as the place of trial
The basis of the venue is:
Plaintiff's residence
2800 86th Street
Brooklyn, New York

County of QUEENS

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's Attorneys within 20 days after the service of this summons exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York
February 18, 2021

SUBIN ASSOCIATES LLP

BY:

Robert J. Eisen

ROBERT J. EISEN, ESQ.

Attorneys for Plaintiff

Address and Telephone Number

150 Broadway – 23rd Fl

New York, New York 10038

(212) 285-3800

FILE NO.: 30636

Defendants Address:

Cuenca Coronel Trucking Inc.
74 Academy Street
Jersey City, NJ 07302

Cuenca Coronel Trucking Inc.
275 North 12th Street
Newark, NJ 07107

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

=====X
RUFUS GIBBONS

Plaintiff(s),

VERIFIED COMPLAINT

-against-

CUENCA CORONEL TRUCKING INC., and "JOHN DOE,"
name fictitious, intended being that of operator,

Defendant(s).

=====X

Plaintiff(s), **RUFUS GIBBONS**, by his attorneys, **SUBIN ASSOCIATES LLP**,
complaining of the defendant(s) herein, respectfully shows to this Court and allege(s) as
follows:

1. That at all times hereinafter alleged, the plaintiff, **RUFUS GIBBONS**, was a
resident of the County of Kings, City and State of New York.
2. That at all times hereinafter alleged, **RUFUS GIBBONS**, was a pedestrian.
3. That at all the times hereinafter alleged, and upon information and belief, the
defendant, **CUENCA CORONEL TRUCKING INC.**, was and still is a foreign corporation
authorized to do business in the State of New York.
4. That at all times hereinafter alleged, and upon information and belief, the
defendant, **CUENCA CORONEL TRUCKING INC.**, is the titled owner of a motor vehicle
bearing license plate number AS213L New Jersey State.
5. That at all times hereinafter alleged, and upon information and belief, the
defendant, **CUENCA CORONEL TRUCKING INC.**, is the registered owner of a motor
vehicle bearing license plate number AS213L New Jersey State.
6. That at all the times hereinafter alleged, and upon information and belief, the
defendant, **"JOHN DOE," name fictitious, intended being that of operator**, operated a
motor vehicle bearing license plate number AS213L New Jersey State.

7. That at all times hereinafter alleged, and upon information and belief, the defendant, **CUENCA CORONEL TRUCKING INC.**, maintained the motor vehicle bearing the aforementioned license plate number.

8. That at all times hereinafter alleged, and upon information and belief, the defendant, **CUENCA CORONEL TRUCKING INC.**, managed the motor vehicle bearing the aforementioned license plate number.

9. That at all times hereinafter alleged, and upon information and belief, the defendant, **"JOHN DOE," name fictitious, intended being that of operator**, controlled the motor vehicle bearing the aforementioned license plate number.

10. That at all times hereinafter alleged, and upon information and belief, the defendant, **"JOHN DOE," name fictitious, intended being that of operator**, operated a motor vehicle bearing the aforementioned license plate number with the knowledge, permission and consent of defendant **CUENCA CORONEL TRUCKING INC..**

11. That at all times hereinafter alleged, and upon information and belief, the defendant, **"JOHN DOE," name fictitious, intended being that of operator**, controlled a motor vehicle bearing the aforementioned license plate number with the knowledge, permission and consent of defendant **CUENCA CORONEL TRUCKING INC..**

12. That at all times hereinafter alleged, and upon information and belief, the defendant, **"JOHN DOE," name fictitious, intended being that of operator**, operated a motor vehicle bearing the aforementioned license plate number in the course of his employment with defendant **CUENCA CORONEL TRUCKING INC..**

13. That at all times hereinafter alleged, and upon information and belief, the defendant, **"JOHN DOE," name fictitious, intended being that of operator**, controlled a motor vehicle bearing the aforementioned license plate number in the course of his employment with defendant **CUENCA CORONEL TRUCKING INC..**

14. That at all of the times hereinafter mentioned, the roadway Northern Boulevard, at or near its intersection with 34th Street, Queens, New York , in the County of

Queens, City and State of New York was and still is a public roadway used extensively by the public in general.

15. That on 08/14/2018, at the aforesaid location, the aforesaid motor vehicle came into contact with the plaintiff.

16. That the aforesaid accident and injuries resulting therefrom were due solely and wholly as a result of the careless, reckless and negligent manner in which the defendants owned, operated, maintained, managed and controlled their motor vehicle without this plaintiff in any way contributing thereto.

17. That by reason of the foregoing and the negligence of the defendants, the plaintiff **RUFUS GIBBONS**, was severely injured, bruised and wounded, suffered, still suffers and will continue to suffer for some time physical pain and bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.

18. That by reason of the foregoing, the plaintiff, **RUFUS GIBBONS**, was compelled to and did necessarily require medical aid and attention, and did necessarily pay and become liable therefore for medicines and upon information and belief, the plaintiff will necessarily incur similar expenses.

19. That by reason of the foregoing, the plaintiff, **RUFUS GIBBONS**, has been unable to attend to his usual occupation in the manner required.

20. That by reason of the wrongful, negligent and unlawful actions of the defendants, as aforesaid, the plaintiff, **RUFUS GIBBONS**, sustained serious injuries as defined in Section 5102 (d) of the Insurance Law of the State of New York, and has sustained economic loss greater than basic economic loss as defined in Section 5102 of the said Insurance Law.

21. That one or more of the exceptions of §1602 of the Civil Practice Law and Rules applies to the within action.

22. Due to the abovesaid, plaintiff is entitled to damages in the sum which exceeds the sum or value established by 28 USC §1332(a) exclusive of interest and costs.

WHEREFORE, the plaintiff demands judgment against the defendant in amounts which exceed the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in amounts to be determined upon the trial of this action, together with the costs and disbursements of this action, and with interest from the date of this accident.

Dated: New York, New York
February 18, 2021

SUBIN ASSOCIATES LLP
BY:

Robert J. Eisen
ROBERT J. EISEN, ESQ.
Attorneys for Plaintiff
150 Broadway – 23rd Fl
New York, New York 10038
(212) 285-3800
FILE NO.: 30636

STATE OF NEW YORK)

) ss

COUNTY OF NEW YORK)

I, the undersigned, an attorney admitted to practice in the courts of New York State, state under penalty of perjury that I am one of the attorneys for the plaintiff(s) in the within action; I have read the foregoing **SUMMONS AND COMPLAINT** and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe to be true. The reason this verification is made by me and not by my client(s), is that my client(s) are not presently in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigations conducted by my office.

Dated: New York, New York
February 18, 2021

Robert J. Eisen
ROBERT J. EISEN, ESQ.

Index No.

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COUNTY OF KINGS
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RUFUS GIBBONS

Plaintiff(s),

-against-

CUENCA CORONEL TRUCKING INC., and "JOHN DOE," name fictitious, intended being
that of operator,

Defendant(s).

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SUMMONS AND VERIFIED COMPLAINT

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SUBIN ASSOCIATES LLP
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New York, New York 10038
(212) 285-3800
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